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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.      | CONFIRMATION NO.       |
|--|-------------|----------------------|--------------------------|------------------------|
| 10/077,546   | 02/15/2002  | Peter A. Leeds       | L9090/269380             | 3820                   |
| 23370  | 7590        | 10/09/2007           |                          |                        |
| JOHN S. PRATT, ESQ<br>KILPATRICK STOCKTON, LLP<br>1100 PEACHTREE STREET<br>ATLANTA, GA 30309 |             |                      | EXAMINER<br>BASIT, ABDUL |                        |
|  |             |                      | ART UNIT<br>3694         | PAPER NUMBER           |
|  |             |                      | MAIL DATE<br>10/09/2007  | DELIVERY MODE<br>PAPER |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                                      |                                     |  |
|------------------------------|--------------------------------------|-------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/077,546 | <b>Applicant(s)</b><br>LEEDS ET AL. |  |
|                              | <b>Examiner</b><br>Abdul Basit       | <b>Art Unit</b><br>3694             |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 18 September 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6-19 and 21-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-19 and 21-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>9/18/2007</u> . | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

Receipt is acknowledged of a request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e) and a submission, filed on 9/18/2007.

#### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claims 1-4, 6-8, 12-13, 15, 17, 21-27, 31-32, 34, 36, and 38 are rejected under 35 U.S.C. 102(a) as being anticipated by Verba (US Pat No. 6,236,977)

#### ***Regarding claims 1 and 21:***

##### ***Regarding claim 1:***

(Currently Amended) Verba still teaches a method of managing assets for an entity, comprising:

- Providing an on-line internal trading community; (column 1, lines 18-21)
- Enabling the entity to form an on-line private trading community with authorized business partners; (column 4, lines 9-14)
- Enabling the entity to participate in an on-line public marketplace; (column 4, lines 9-14)
- Permitting the entity to list select assets in an the on-line internal trading community; (see column 4, lines 15-35).

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- Permitting the entity to list whose select assets listed but not redeployed through file on-line internal trading community with the on-line private trading community or the on-line public marketplace. (column 4, lines 1-35).
- Allowing the-entity a user to view available assets listed on the on-line internal trading community, the on-line private trading community, and the on-line public marketplace; (column 3, lines 14-18) and
- Providing workflow for automating aspects of executing a transaction through any one of the on-line internal trading community, the on-line private trading community, and the on-line public marketplace. (column 4, lines 38-60).

***Response to applicant's argument***

Applicant argues that Verba does not teach the following element of claim 1:

“permitting the entity to list those select assets listed but no redeployed through the on-line internal trading community with the on-line private trading community or the online marketplace.”

Applicant argues that while Verba may teach listing of a property/asset in different marketplaces, it does not teach redeploying an asset either publicly or privately in the event that the asset does not deploy internally.

However, the claim language does not indicate an element whereby an entity must go through a sequence of first listing an entity internally and then listing an entity through alternative marketplaces/communities.

Instead the claim language only indicates that an asset can be deployed in several different marketplaces, with no indication of a sequence that must be followed.

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Verba does teach that an asset can be deployed in several different marketplaces. (see *column 4, lines 1-35*).

Applicant has not argued that any other elements of claim 1 are not taught by Verba. Therefore claim 1 remains rejected.

***Regarding claims 2-4, 6-8, 12-13, 15, 17, 22-27, 31-32, 34, 36, and 38:***

Applicant has provided no argument other than these claims should be allowed because claims 1 and 21 are allowable. Since claim 1 has been rejected, these claims remain rejected.

***Regarding claim 2:***

(Original) The method as set forth in claim 1, wherein providing the on-line internal trading community comprises defining authorized users and roles of the users. (*column 4, lines 38-60*).

***Regarding claim 3:***

(Original) The method as set forth in claim 1, wherein enabling the entity to form the on-line private trading community comprises participating in an on-line exchange. (*column 2, lines 13-22*).

***Regarding claim 4:***

(Original) The method as set forth in claim 1, wherein enabling the entity to form the on-line private trading community comprises forming a business relationship with a broker of assets. (*column 2, lines 25-35*).

***Regarding claim 6:***

(Original) The method as set forth in claim 1, wherein allowing the entity to view assets

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comprises providing a search capability for enabling a user to search for desired assets.

(column 4 generally).

***Regarding claim 7:***

(Original) The method as set forth in claim 7, wherein providing the search capability comprises providing a capability of browsing through categories of assets. (column 2 lines 55-67).

***Regarding claim 8:***

(Original) The method as set forth in claim 6, wherein providing the search capability comprises providing a capability of searching by keyword. (column 2 lines 55-67).

***Regarding claim 12:***

(Original) The method as set forth in claim 6, wherein providing the search capability comprises providing a capability of tracking certain assets. (See rejection for claim 1)

***Regarding claim 13:***

(Original) The method as set forth in claim 1, wherein providing workflow comprises providing workflow for listing assets. (column 4, lines 14-18).

***Regarding claim 15:***

(Original) Verba teaches a method as set forth in claim 1, further comprising categorizing assets being listed in at least one of the of the on-line private trading community, the on-line internal trading community, and the on-line public marketplace. (column 2, lines 55-67, and column 3 lines 1-26).

***Regarding claim 17:***

(Original) The method as set forth in claim 1, further comprising providing .reporting

functionality for enabling a user to manage use of the on-line private trading community, the on-line internal trading community, and the on-line public marketplace. (column 8, lines 12-33).

***Regarding claim 19:***

(Original) The method as set forth in claim 1, further enabling the entity to view details on assets listed in any of the on-line private trading community, the on-line internal trading community, and the on-line public marketplace. (column 4, lines 14-18).

***Regarding claim 21:*** See claim 1

***Regarding claim 22:*** See claim 2

***Regarding claim 23:*** See claim 3

***Regarding claim 24:*** See claim 4

***Regarding claim 25:*** See claim 6

***Regarding claim 26:*** See claim 7

***Regarding claim 27:*** See claim 8

***Regarding claim 31:*** See claim 12

***Regarding claim 32:*** See claim 13

***Regarding claim 34:*** See claim 15

***Regarding claim 36:*** See claim 17

***Regarding claim 38:*** See claim 19

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 9, 11 and 16, 28, 30, and 35 are still rejected under 35 U.S.C. 103(a) as being unpatentable over Verba in view of Popola (US pat. No. 5,715,402). Claim 9 is dependent on claim 6. Claim 6, a dependent claim of claim 1, was rejected under 35 U.S.C. 102(a) as anticipated by Verba. However, Popola, not Verba, teaches a capability of tracking certain assets. Applicant has provided no argument for allowing claim 9, 11 and 15 other than these claims should be allowable because claim 1 is allowable. Since Examiner has again rejected claim 1, these claims stand rejected.

***Regarding claim 9:***

(Original) Popola teaches the method as set forth in claim 6, wherein providing the search capability comprises providing a capability of tracking certain assets. (see column 1, lines 63-65).

***Regarding claim 11:***

(Original) Popola teaches the method as set forth in claim 1, wherein providing workflow comprises prodding workflow for inspecting assets prior to listing the assets.

***Regarding claim 16:***

(Original) Popola teaches the method as set forth in claim 15, further comprising normalizing the categorization of the assets being listed in at least one of the of the on-line private trading community, the on-line internal trading community, and the on-line public marketplace. (column 6 generally).



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It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Verba and Popola. One of ordinary skill in the art would have been motivated to track items, since it would enhance the ability of different trading groups to find a desired product. Also, one would have been motivated to inspect items before the items are listed because this would allow for a higher quality of product thus reducing returns and future lost sales. Finally, one would have been motivated to take data and place in a systematic category system since this would create a more efficient process.

***Regarding claim 28:*** See claim 9

***Regarding claim 30:*** See claim 11

***Regarding claim 35:*** See claim 16

6. Claim 10 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Verba ('977) in view of Lawrence (US Pat. 5,915,209). Claim 10 is dependant on claim 6. Claim 6, a dependent claim on claim 1, was rejected under 35 U.S.C. 102(a) as being anticipated by Verba. Claim 29 is rejected for the same reason as claim 10.

Verba does not teach the capability of being alerted when a desired asset becomes listed. However, Lawrence does teach the use of an alert system (Column 8 lines 48-62).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Verba and Lawrence. One of ordinary skill in the art would have been motivated to inspect items, since this allows for more efficient trading between different trading groups.

4. Claims 14, 18, 33 and 37 are rejected under 35 U.S.C. 103(a) as being

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unpatentable over Verba ('977) in view of Luke et al (US Pat. 6,131,087). Claim 18 is dependent on claim 1. Claim 1 was rejected under 35 U.S.C. 102(a) as being anticipated by Verba. Verba does not teach the electronic commerce system with a legacy computer system. However:

***Regarding Claim 14:***

•Luke does teach the use of workflow to obtain authorization within an entity. (Column 11, lines 40-45).

***Regarding Claim 18:***

•Luke does teach integration with a legacy system. (Column 3 lines 47-48).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Verba and Luke. One of ordinary skill in the art would have been motivated to integrate the electronic commerce system with a legacy system since this would save the expense of implementing a new system. Further, one of ordinary skill in the art would have been motivated to ensure that an authorization workflow existed to prevent fraud and enhance profitability.

***Regarding claim 33:*** See claim 14

***Regarding claim 37:*** See claim 18

***Conclusion***

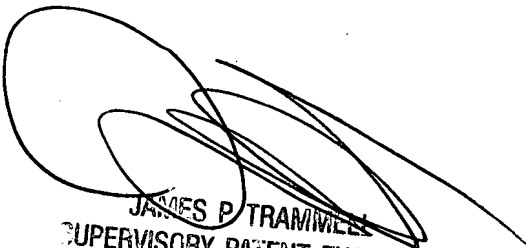
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Abdul Basit whose telephone number is 571 272-7246.

The examiner can normally be reached on Monday - Friday, 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 571 272 6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

aqb

  
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